

FILED  
ASHEVILLE, N.C.

JUN 20 2018

U.S. DISTRICT COURT  
W. DIST. OF N.C.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
C.A. NO.: 16-cv-00282-MR-DLH

DLL FINANCE LLC formerly  
known as Agricredit Acceptance LLC,

Plaintiff,

vs.

BRIGHT'S CREEK GOLF CLUB, LLC,  
ALIANZA TRINITY HOLDINGS LLC  
and MARC RUDOW as receiver  
of the assets of Bright's Creek Golf Club, LLC,

Defendants.

---

CONSENT JUDGMENT

---

The parties having settled and compromise; and the defendants having offered to allow judgment against themselves and in favor of the plaintiff to be entered as hereinafter set forth; and all parties having agreed to the settlement and good cause appearing;

**NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED** that the plaintiff DLL Finance LLC have and recover Judgment against the defendants as follows:

1. Judgment against the defendants Bright's Creek Golf Club, LLC and Alianza Trinity Holdings LLC, jointly and severally, in the principal amount of \$637,747.24 with interest from the date of judgment and thereafter at the judgment rate plus court costs, less any credits for payments made and the residual value of any equipment repossessed in accordance with the parties' Settlement Agreement executed in conjunction with this Consent Judgment ("Settlement Agreement");
2. Judgment against the defendants for possession of the following:

| Equipment Description               | Serial Number |
|-------------------------------------|---------------|
| Club Car PRE4PASE Elec Transport    | JH1417456034  |
| Club Car CAFBEXPG Gas Beverage Unit | AF1417455623  |
| Club Car TURF295G Gas Utility       | RC1418456739  |
| Club Car TURF2G Gas Utility         | RG1417455638  |
| Club Car TURF2G Gas Utility         | RG1417455633  |
| Club Car TURF2G Gas Utility         | RG1417455636  |
| Club Car PRECE Elec Golf Car        | JE1417455849  |
| Club Car PRECE Elec Golf Car        | JE1417455851  |
| Club Car PRECE Elec Golf Car        | JE1417455852  |
| Club Car PRECE Elec Golf Car        | JE1417455854  |
| Club Car PRECE Elec Golf Car        | JE1417455855  |
| Club Car PRECE Elec Golf Car        | JE1417455857  |
| Club Car PRECE Elec Golf Car        | JE1417455858  |
| Club Car PRECE Elec Golf Car        | JE1417455859  |
| Club Car PRECE Elec Golf Car        | JE1417455860  |
| Club Car PRECE Elec Golf Car        | JE1417455861  |
| Club Car PRECE Elec Golf Car        | JE1417455863  |
| Club Car PRECE Elec Golf Car        | JE1417455866  |
| Club Car PRECE Elec Golf Car        | JE1417455868  |
| Club Car PRECE Elec Golf Car        | JE1417455870  |
| Club Car PRECE Elec Golf Car        | JE1417455872  |
| Club Car PRECE Elec Golf Car        | JE1417455874  |
| Club Car PRECE Elec Golf Car        | JE1417455875  |
| Club Car PRECE Elec Golf Car        | JE1417455877  |
| Club Car PRECE Elec Golf Car        | JE1417455879  |
| Club Car PRECE Elec Golf Car        | JE1417455881  |
| Club Car PRECE Elec Golf Car        | JE1417455882  |
| Club Car PRECE Elec Golf Car        | JE1417455884  |
| Club Car PRECE Elec Golf Car        | JE1417455886  |
| Club Car PRECE Elec Golf Car        | JE1417455888  |
| Club Car PRECE Elec Golf Car        | JE1417455890  |
| Club Car PRECE Elec Golf Car        | JE1417455892  |
| Club Car PRECE Elec Golf Car        | JE1417455894  |
| Club Car PRECE Elec Golf Car        | JE1417455896  |
| Club Car PRECE Elec Golf Car        | JE1417455897  |
| Club Car PRECE Elec Golf Car        | JE1417455900  |
| Club Car PRECE Elec Golf Car        | JE1417455902  |
| Club Car PRECE Elec Golf Car        | JE1417455904  |
| Club Car PRECE Elec Golf Car        | JE1417455907  |
| Club Car PRECE Elec Golf Car        | JE1417455909  |
| Club Car PRECE Elec Golf Car        | JE1417455912  |
| Club Car PRECE Elec Golf Car        | JE1417455914  |

|                                      |                   |
|--------------------------------------|-------------------|
| Club Car PRECE Elec Golf Car         | JE1417455918      |
| Club Car PRECE Elec Golf Car         | JE1417455921      |
| Club Car PRECE Elec Golf Car         | JE1417455926      |
| Club Car PRECE Elec Golf Car         | JE1417455929      |
| Club Car PRECE Elec Golf Car         | JE1417455933      |
| Club Car PRECE Elec Golf Car         | JE1417455936      |
| Club Car PRECE Elec Golf Car         | JE1417455938      |
| Club Car PRECE Elec Golf Car         | JE1417455940      |
| Club Car PRECE Elec Golf Car         | JE1417455942      |
| Club Car PRECE Elec Golf Car         | JE1417455944      |
| Club Car PRECE Elec Golf Car         | JE1417455946      |
| Club Car PRECE Elec Golf Car         | JE1417455948      |
| Club Car PRECE Elec Golf Car         | JE1417455950      |
| Club Car PRECE Elec Golf Car         | JE1417455952      |
| John Deere 8000E Fairway Mower       | 1TC80EHXCDF050115 |
| John Deere 8000E Fairway Mower       | 1TC80EHXTDF050111 |
| John Deere 8000E Fairway Mower       | 1TC80EHXHDF050105 |
| John Deere 2500B Riding Greens Mower | 1TC250BGKDT070690 |
| John Deere 2500B Riding Greens Mower | 1TC250BGCDT070692 |
| Toro PC1298 Aerator                  | 313000244         |
| Toro PC648 Aerator                   | 314000129         |
| Custom ATT Ultragroover Cassettes    | No Serial Number  |
| John Deere XUV825I 4S                | 1M0825GFKEM08027  |
| John Deere XUV825I 4S                | 1M0825GEEEM08208  |
| Taylor Dump Trailer                  | 900201225         |
| Salsco 810 Chipper                   | 14021000101334200 |
| Lely WFR Spreader                    | LE117810          |
| Weidenmann Super600                  | 275AC1084         |
| John Deere 35G MiniX                 | 1FF035DXCCG270501 |
| John Deere 220E Mower                | 1M0220EAJCM04048  |
| John Deere 220E Mower                | 1M0220EACCM0469   |
| John Deere 220E Mower                | 1M0220EABCM040477 |
| John Deere 220E Mower                | 1M0220EACDM040675 |
| John Deere 220E Mower                | 1M0220EAPDM041067 |
| John Deere 220E Mower                | 1M0220BATDM041066 |
| John Deere 220E Mower                | 1M0220EAVDM041060 |
| John Deere 220E Mower                | 1M0220EAADM04106  |

|                                     |                   |
|-------------------------------------|-------------------|
|                                     | 1                 |
| Tru Turf MX5000                     | B3063             |
| Tru Turf MX5000                     | B3064             |
| Tru Turf MX5000                     | B3068             |
| Tru Turf MX5000                     | B3072             |
| Tru Turf MX5000                     | B3073             |
| Tru Turf MX5000                     | B3074             |
| Tru Turf MX5000                     | B3075             |
| Tru Turf MX5000                     | B3076             |
| John Deere 2020A Progator           | 1TC202ATVDT075031 |
| John Deere HD300 Sprayer            | 1TC300GXCDT045148 |
| John Deere TX Turf Gator            | 1MOTURFJTEM090173 |
| John Deere TX Turf Gator            | 1MOTURFJKEM090189 |
| John Deere TX Turf Gator            | 1MOTURFJPDM081912 |
| John Deere TX Turf Gator            | 1MOTURFJTEM090190 |
| John Deere TX Turf Gator            | 1MOTURFJCDM081915 |
| John Deere TX Turf Gator            | 1MOTURFJKEM090175 |
| John Deere TX Turf Gator            | 1MOTURFJECM090172 |
| John Deere TX Turf Gator            | 1MOTURFJTEM090176 |
| John Deere 2020A Progator           | 1TC202ATVET075077 |
| John Deere TE Gator                 | 1MOT145ECDM080451 |
| John Deere TE Gator                 | 1MOT145EHDM080303 |
| John Deere TE Gator                 | serial # unknown  |
| John Deere TE Gator                 | 1MOT145EVD080278  |
| John Deere 1445 Traction Unit       | 1TC1445DPDT130781 |
| John Deere 72 Rotary Deck           | 1TC1472XCDT131241 |
| John Deere HD200 Sprayer            | 1TC200GXVCT070036 |
| Buffalo Turbine Blower              | 22739             |
| Buffalo Turbine Blower              | 22743             |
| John Deere 2020A Progator           | 1TC202ATVET075094 |
| Agrimetal 660 Greens Roller         | 32779             |
| Agrimetal 660 Greens Roller         | 32780             |
| Ventrac 4500 Mower                  | AJ02131           |
| Ventrac 4500 Mower                  | AJ02132           |
| Ventrac 4500 Mower                  | AJ02144           |
| Club Car PRE4PASE Elec<br>Transport | JH1440500598      |
| Club Car PRE4PASE Elec<br>Transport | JH1440500599      |
| John Deere 1445 Mower               | 1TC1445DJET135256 |

3. The Receiver shall have no responsibility or obligation for any monetary amount due under this Consent Judgment. Plaintiff shall not seek to recover any amount due under the

this Consent Judgment. The parties acknowledge that upon the Receiver's consent to the release above described equipment, the Consent Judgment is fully satisfied with respect to any obligation owed by the Receiver. The parties further acknowledge that the Receiver has no obligations under the Settlement Agreement and is not a party to same.

It is agreed that this Judgment shall not be filed provided the defendants make the payments set forth in the Settlement Agreement, executed contemporaneously with this Consent Judgment. Upon default, plaintiff shall be entitled to exercise any rights of nonpayment it may have, including but not limited to filing this Consent Judgment with the court and enforcing this judgment, or the remaining balance thereof, by any means allowed by law; and taking immediate possession of the equipment described herein without notice to defendants.

**SO ORDERED,** 20 June 2018, the Notice of Default having been filed.

  
United States District Judge

**CONSENTED TO:**

/s/ Caren D. Enloe

Caren D. Enloe

NC State Bar No. 17394

cenloe@smithdebnamlaw.com

Of SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP

PO Box 26268

Raleigh NC 27611

Telephone: (919)250-2000

Facsimile: (919)250-2124

*Counsel for Plaintiff DLL Finance LLC*

**BRIGHT'S CREEK GOLF CLUB, LLC**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Consent Judgment from the Receiver. The Receiver's only responsibility with respect to the Consent Judgment is to consent to the release of the above described equipment upon entry of this Consent Judgment. The parties acknowledge that upon the Receiver's consent to the release above described equipment, the Consent Judgment is fully satisfied with respect to any obligation owed by the Receiver. The parties further acknowledge that the Receiver has no obligations under the Settlement Agreement and is not a party to same.

It is agreed that this Judgment shall not be filed provided the defendants make the payments set forth in the Settlement Agreement, executed contemporaneously with this Consent Judgment. Upon default, plaintiff shall be entitled to exercise any rights of nonpayment it may have, including but not limited to filing this Consent Judgment with the court and enforcing this judgment, or the remaining balance thereof, by any means allowed by law; and taking immediate possession of the equipment described herein without notice to defendants.

SO ORDERED.

\_\_\_\_\_  
United States District Judge

CONSENTED TO:



Caren D. Enloe

NC State Bar No. 17394

cenloe@smithdebnamlaw.com

Of SMITH DEBNAM NARRON DRAKE SAINTSING & MYERS, LLP

PO Box 26268

Raleigh NC 27611

Telephone: (919)250-2000

Facsimile: (919)250-2124


Counsel for Plaintiff DLL Finance, LLC

BRIGHT'S CREEK GOLF CLUB, LLC

By: 

Its: \_\_\_\_\_

Date: 4/26/18

  
ALIANZA TRINITY HOLDINGS LLC

By: Pasqua Giordano

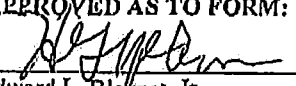
Its: \_\_\_\_\_

Date: 4/26/18

MARC RUDOW as receiver of the assets of Bright's Creek Golf Club, LLC

By: \_\_\_\_\_

APPROVED AS TO FORM:

  
Edward L. Bleynat, Jr.

H. Gregory Johnson

Ferikes & Bleynat, PLLC

48 Patton Avenue, 3rd Floor

Asheville, NC 28801

Tele: (828) 251-1588

Fax: (828) 251-2214

edbleynat@ferikesbleynat.com

gregjohnson@ferikesbleynat.com

Counsel for Bright's Creek Golf Club, LLC  
and Alianza Trinity Holdings LLC

\_\_\_\_\_  
Dennis L. Martin, Jr.

N.C. Bar No. 27957

Roberts & Stevens, P.A.

P.O. Box 7647

Asheville, NC 28802

Phone: (828) 252-6600

Facsimile: (828) 253-7200

Counsel for Marc Rudow as receiver of  
the assets of Bright's Creek Golf Club, LLC

**ALIANZA TRINITY HOLDINGS LLC**

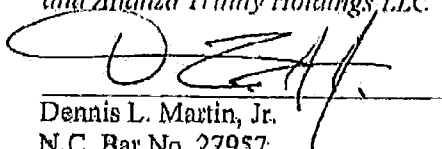
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

**MARC RUDOW** as receiver of the assets of Bright's Creek Golf Club, LLC

By:  for Marc Rudow

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Edward L. Bleynat, Jr.  
H. Gregory Johnson  
Ferikes & Bleynat, PLLC  
48 Patton Avenue, 3rd Floor  
Asheville, NC 28801  
Tele: (828) 251-1588  
Fax: (828) 251-2214  
edbleynat@ferikesbleynat.com  
gregjohnson@ferikesbleynat.com  
*Counsel for Bright's Creek Golf Club, LLC  
and Alianza Trinity Holdings, LLC*

  
Dennis L. Martin, Jr.  
N.C. Bar No. 27957  
Roberts & Stevens, P.A.  
P.O. Box 7647  
Asheville, NC 28802  
Phone: (828) 252-6600  
Facsimile: (828) 253-7200  
*Counsel for Marc Rudow as receiver of  
the assets of Bright's Creek Golf Club, LLC*